

Appl. No. 09/548,883
Amdt. dated May 11, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1641

PATENT

REMARKS/ARGUMENTS

The Final Rejection dated April 28, 2005 crossed in the mails with Applicants' amendment dated April 29, 2005, a copy of which is attached hereto for the convenience of the Examiner.

All claims under examination save claim 6 are rejected as obvious over combinations of Watkins et al., WO 99/26067 in view of various other references.

By the attached amendment Applicants have claimed priority of a United States application of Watkins et al. whose filing date predates the publication date of the Watkins et al. PCT application. As explained in that amendment, this reference therefore no longer constitutes prior art to the present application.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

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Attachments
JA:ja
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TO THE U.S. PATENT AND TRADEMARK OFFICE Please stamp the date of receipt of the following document(s) and return this postcard to addressee.

In re application of: Michael I. Watkins, et al.

Application No.: 10/243,145

Filed: September 13, 2002

For: MULTI-ANALYTE DIAGNOSTIC TEST FOR THYROID DISORDERS

Documents attached:

- ☒ USPTO Transmittal Form
- ☒ PETITION FOR EXTENSION OF TIME
- ☒ AMENDMENT UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 1641

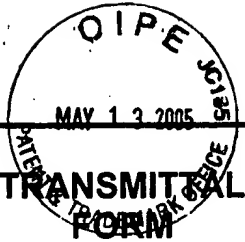
Mailing Date: Apr. 29, 2005

Attorney: Joel G. Ackerman / ls

Docket No. 02558B-063110US



COPY



PTO/SB/21 (09-04)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/548,883	
	Filing Date	April 13, 2000	
	First Named Inventor	Watkins, Michael I.	
	Art Unit	1641	
	Examiner Name	Gabel, G.	
Total Number of Pages in This Submission	4	Attorney Docket Number	02558B-063100US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Townsend and Townsend and Crew LLP	
Signature		
Printed name	Joel G. Ackerman	
Date	4/29/05	Reg. No. 24,307

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Typed or printed name	Lois M. Simón	Date 4/29/05

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PATENT
Attorney Docket No.: 02558B-063100US
Client Ref. No.: BRP00064

TOWNSEND and TOWNSEND and CREW LLP

By: _____

Lois M. Simón
Lois M. Simón

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael I. Watkins et al.

Application No.: 09/548,883

Filed: April 13, 2000

For: MULTI-ANALYTE DIAGNOSTIC
TEST FOR THYROID DISORDERS

Customer No.: 20350

Confirmation No. 7641

Examiner: Gabel, G.

Technology Center/Art Unit: 1641

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please enter the following amendments and remarks:

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

COPY

Amendments to the Specification:

Please add the following new paragraph on page 1, before the first paragraph:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is related to, and claims the priority of, Application Serial No. 09/302,920 filed April 30, 1999 (now patent no. 6,280,618) of Michael I. Watkins and Richard B. Edwards.

REMARKS/ARGUMENTS

This amendment is for the purpose of claiming priority of copending U.S. application 09/302920 filed April 30, 1999. Said application is in the series of applications that include PCT application WO 99/26067 published May 27, 1999. This priority claim is made for the purpose of relying on the April 30, 1999 filing date to antedate said publication, removing it from the category of prior art, to the extent, if any, that it is relevant to the claims herein.

Brief statements in Watkins et al., at pages 7 and 8, relating to thyroid stimulating hormone, were relied on by the Examiner in rejecting claims in this application as obvious over combinations of references in which Watkins et al. was cited as the primary reference. The same statements are made in application 09/302920, from which priority is now claimed.

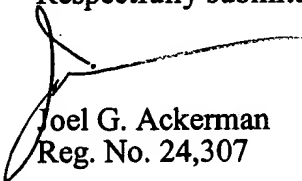
As the Watkins et al. PCT application is no longer prior art, Applicants request withdrawal of such rejections.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Joel G. Ackerman
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